

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Chairperson Representative Tony Powell at 1:30 p.m. on March 21, 2000 in Room 313-S of the Capitol.

All members were present except: Representative Mayans, excused
Representative Freeborn, excused

Committee staff present: Theresa Kiernan, Revisor of Statutes
Russell Mills, Legislative Research
Mary Galligan, Legislative Research
Winnie Crapson, Secretary

Conferees appearing before the committee:

HB 3016 Proponents: Written testimony from Bill Schwertfeger, Caldwell
Jim Keating, Kansas Safe Kids Coalition
Written testimony Timothy Henderson, Child Death Review Board
Opponents: None.

SB 278 Proponents: Senator Biggs
Shelby Smith, Tobacco Free Kansas Coalition
Terri Roberts, Kansas State Nurses' Association
Opponents: None.

SB 430 Proponents: Senator Gilstrap
Representative Long
John Novak
Pat Gaunce, Kansas City, Kansas Community College
Written testimony John Pfannenstiel, Mayor of Basehor
Amendment proposed: Tuck Duncan, Kansas Wine & Spirits Wholesalers
Opponents: None.

Others attending: See attached list.

Chairman Powell called the meeting to order.

The hearing was reopened on
HB 3016, Illegal storage of a firearm

Chairman Powell called attention to written testimony in support of the bill provided by Bill Schwertfeger, Caldwell (Attachment #1). Mr. Schwertfeger was unable to return today to appear in person. Chairman Powell said Mr. Schwertfeger has a personal story to tell and encouraged members to read it because it is important.

Jim Keating of the Kansas State Association of Fire Chiefs presented testimony in support of the bill on behalf of the Kansas Safe Kids Coalition, a nonprofit organization composed of more than sixty statewide businesses and organizations to protect Kansas children (Attachment #2). He stated **HB 3016** affects the unsupervised storage of loaded guns in the home. It does not prevent children from lawfully using or possessing guns while under adult supervision and gives gun owners safe storage options

Written testimony in support of **HB 3016** was provided by Timothy Henderson (Attachment #3) together with the 1999 Annual Report of the State Child Death Review Board.

Proponents of the bill responded to questions from committee members concerning locks, lock boxes, safety education, etc.

Hearing was closed on **HB 3016**.

CONTINUATION SHEET
MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS
March 21, 2000

Hearing was opened on

SB 278, Cigarette and tobacco products, samples, notice prior to distribution

Senator Biggs, sponsor of the bill, presented written testimony in support of (Attachment #4). He pointed out the bill does not prohibit distribution of free samples but requires notification to the Kansas Director of Taxation fourteen days in advance of distribution. He presented statistics on the volume of free tobacco sampling and teen use of tobacco in Kansas.

Shelby Smith presented information from the Tobacco Free Kansas Coalition, Inc. in support of the bill (Attachment #5). He provided statistics from the 1999 Youth Tobacco Survey.

Terri Roberts, Executive Director, presented testimony on behalf of the Kansas State Nurses Association (Attachment #6). She stated **SB 278** will provide the Department of Revenue with information that will permit surveillance for compliance with the sampling statutes regarding children below 18 years of age and possession of tobacco products.

Hearing was closed on SB 278.

Hearing was opened on

SB 430, Issuance of licenses for retail liquor stores in certain townships

Senator Gilstrap testified in support of the bill (Attachment #7). He introduced the bill on behalf of a constituent, John Novak. He explained that the bill as introduced would have lowered the population threshold to 2,000 but decided to leave the threshold at 11,000 and include language which would allow a liquor store in Fairmont Township, with approval of the county commissioners.

Representative Long presented written testimony in support of the bill (Attachment #8). She noted Mr. Novak was also a constituent of hers. She supported including the requirement of approval of the county commissioners.

John Novak testified in support of the bill (Attachment #9). He explained that he is 1,000 feet west of the city limits of Basehor, a third class city. His interest is in securing a liquor license for his property.

Testimony in support of **SB 430** on behalf of Kansas City, Kansas Community College was presented by Pat Gaunce, President of the Endowment Association (Attachment #10). She explained that the Endowment Association sponsors two major benefits on campus each year at which they would like to be able to offer alcoholic beverages to enhance those benefits.

Letter from John Pfannenstiel, Mayor of Basehor, addressed to Representative Cox, supporting the bill was distributed (Attachment #11).

Tuck Duncan, representing the Kansas Wine & Spirits Wholesalers Association, presented for consideration a proposed amendment to **SB 430** (Attachment #12). It would amend KSA 41-311 to reduce all beverage alcohol wholesale license residency to one year, as it currently is for beer wholesalers. It also provides criteria under which a non-resident applicant can hold a license, establishing a mechanism not now in the law to allow the Alcoholic Beverage Control to ascertain that an out-of-state applicant meets all the qualification of resident applicants. He said it was his understanding ABC finds this solution acceptable.

Hearing was closed on SB 430.

Chairman Powell announced that the schedule would not allow the committee to hear **SB 492** today.

Meeting adjourned at 310 p.m. Next scheduled meeting is March 27.

HOUSE FEDERAL & STATE AFFAIRS COMMITTEE

COMMITTEE GUEST LIST

DATE: March 21

NAME	REPRESENTING
John F. Noveck	SB 430-
David W. Wabnitz	PBP Commission
Ruth Veng	PBP Commission
Pete Gaunce	KCK Community College
Jersey Toney	KCKCC Entertainment Assoc
TUCK DUNCAN	KS wine/spirits wholesalers ASSN.
Jan Stegelmeyer	KS SAFE KIDS Coalition
Ston Pearson	Summit of Associates
George Peterson	Ks Hunter Ed Inst Assoc
Shelley Thompson	Ks St. Nurses Assn.
Edward Rowe	League of Women Voters/Ks
Amy Campbell	Ks Retail Liquor Dealers
John Peppardine	American Cancer Society
Pete Bodyk	KDOR/ABC
Terri Roberts	Kansas State Nurses Assn.
Jeff Botherby	Kansas Speedway Corp
Scott Hatrup	KS Sportsmen's Alliance
Don Preeg	Ks Senate
Vally Finney	Ks Public Health Assn.

From: Bill Schwertfeger <vette@kanokla.net>
To: <powell@house.state.ks.us>
Date: Tue, Mar 21, 2000 8:52 AM
Subject: Testimony for House Bill 3016- Gun Saftey Bill

Dear Mr. Chairman: I would like to include the following written testimony for the record, as I was not permitted to give my testimony yesterday, 20 March due to time constraints. I Thank you in advance for this courtesy.

Mr. Chairman and members of the committee. My Name is Bill Schwertfeger, a retired, highly decorated combat veteran fighter pilot and former Prisoner of War from Caldwell who lost his Son when a young man picked up what he thought was an unloaded 9mm pistol. He then chambered a live round and squeezed the trigger shooting my Son. The bullet passed through my Son's chest cavity laterally causing him to bleed to death and drowned in his own blood at the same time. Our District hospital was three blocks away but he died before they could do anything for him. This young man had plenty of training and experience with this gun. He had owned this gun for over 6 years, fired this gun over 350 times, had just last fired this gun night 8 days before killing my Son and was the only one that had loaded the clip on that day. Yet he swears that he thought the gun was empty. The questions of WHY did he not just lay the gun down when the slide did not lock back indicating to him that it was loaded and had just chambered a live round, WHY was he pointing the gun as my Son, a distance of 3-5 feet away, WHY did he just not use the guns own safety/de-cock, WHY, WHY, WHY. Had a trigger lock been installed that fatal and tragic night, my Son would still be alive today and the lives of so many family members, friends and loved ones would not have been scared for life. Would this young man have installed a trigger lock, probably not because he thought he new how to handle this gun and was safety conscious, yet on that night he proved himself to be fatally wrong. Mr. Chairman and members of this committee I employ you to pass this Bill 3016 as the life that might be saved may very well be that of your own loved one.

Thank you Mr. Chairman

Bill Schwertfeger

CC: <hermes@house.state.ks.us>

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State Affairs
Date 3/21/00
Attachment No. 1
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March 20, 2000

Testimony Presented to the
House Federal and State Affairs Committee

House Bill 3016

109 SW 9th St., Suite 602
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(785) 296-8645 (FAX)

Coordinator:

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Kansas Department of
Health and Environment

Executive Committee

Dennis Cooley, MD
Medical Advisor
American Academy of
Pediatrics, Kansas
Chapter

Sgt. John Eichkorn
Kansas Highway Patrol

Sally Finney
Kansas Public Health
Association

John Hartnett
Shawnee County
SAFE KIDS Coalition

Ami Hyten
Kansas Trial Lawyers
Association

James Keating
Kansas State
Association of Fire Chiefs

Barbara D. Mitchell
Brain Injury Association of
Kansas and Greater Kansas City

I am pleased to provide testimony today on behalf of the Kansas SAFE KIDS Coalition - a nonprofit organization composed of more than 60 statewide businesses and organizations that have joined together to protect Kansas children from the number one killer of Kansas kids - unintentional injury. The Kansas SAFE KIDS Coalition strongly supports House Bill 3016.

One of the most important responsibilities of adults in our country is to keep our children safe. Kansas families need responsible gun owners and your strong leadership to assure the safety of their children by making sure that guns are stored unloaded, locked, and out of the reach of children. Adults often have unrealistic perceptions about a child's ability to gain access to and fire a gun, to distinguish whether it's real or a toy, to make sound judgements about handling a gun and to fully understand the consequences of their actions. We can talk to our children about the dangers of guns; teach them never to touch or play with a gun; teach them to tell an adult if they find a gun - but children don't always follow the rules; children sometimes test the rules; children are curious by nature and eagerly explore their environment - that makes them normal. Whether you are a hunter, a NRA member, a gun owner or child advocate; whatever your personal views may be; surely we can agree that responsible adults must do everything we can to prevent Kansas children from killing and being killed by guns.

In Kansas, 36% of all firearm deaths among children ages 14 and under are unintentional, compared with 3% for the entire Kansas population. Most of these deaths occur in or around the home and involve guns that have been kept loaded and accessible to children. Fifty percent occur in the home of the victim and nearly 40% occur in the home of a friend or relative. Four out of five school-age children know where their parents keep their guns at home. Most three year olds are strong enough to pull a trigger on a handgun.

While the safest house for a child is a house without a gun, we know that is not reality. But owning a firearm is a big responsibility, especially when children are around. We know that safe storage laws work. To date, 17 states and many cities, including Wichita and Salina, have enacted Child

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Date 3/21/00

Attachment No. 2

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Access Prevention (safe storage) laws. These laws have been shown to reduce unintentional firearm-related deaths among children 14 and under by 23%.

I would also like to share with you some of what we hear from ordinary Kansans when we talk with them about SAFE KIDS. There seems to be a lot of support for a safe storage law. Many parents indicate that having a law would help them initiate a conversation with the parents of their children's friends, neighbors, even grandparents - about the presence of guns in homes where their child is visiting. Parents and teachers also want to make sure that a loaded gun does not end up in the classroom.

HB 3016 affects the unsupervised storage of loaded guns in the home. It does not prevent children from lawfully using or possessing guns while under adult supervision (such as hunting or target shooting). It gives gun owners safe storage options (i.e. gun locks, locked box, locked ammunition) and provides two levels of penalty for the gun owner (class A nonperson misdemeanor unless the violation results in injury to a person, in which case it is a level 5 person felony). We believe this bill addresses the reasonable steps that need to be taken by responsible gun owners to protect Kansas kids.

Remember:

KANSAS KIDS AREN'T BULLETPROOF

HELP US CHILDPROOF OUR GUNS.

Testimony Presented by:

Jim Keating
Chair, Executive Committee
Kansas SAFE KIDS Coalition
(913) 437-6287

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Kansas Highway Patrol

Sally Finney
Kansas Public Health
Association

John Hartnett
Shawnee County
SAFE KIDS Coalition

Ami Hyten
Kansas Trial Lawyers
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James Keating
Kansas State
Association of Fire Chiefs

Barbara D. Mitchell
Brain Injury Association of
Kansas and Greater Kansas City



Child Access Prevention Laws



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Child Access Prevention (CAP) laws, often referred to as "Safe Storage" laws, generally require adults to either store loaded firearms in a place that is inaccessible to children or use a device to lock the gun. If a child gains access to an improperly stored gun, the adult owner is criminally liable.

UNINTENTIONAL FIREARM INJURIES

- * Thirty-six percent (36%) of all firearm related deaths among Kansas children ages 14 and under are unintentional. Twenty eight Kansas children (14 and under) died of unintentional firearm injury from 1990-1997.
- * Fifty percent (50%) of child unintentional shooting deaths occur in the home of the victim and nearly 40 percent occur in the home of a friend or relative. Four out of five school-age children know where their parents keep their guns at home.
- * Adults often have unrealistic perceptions about a child's capability and behavior with regard to guns. There are misunderstandings about a child's ability to gain access to and fire a gun; to distinguish whether it's real or a toy; to make sound judgements about handling a gun and to fully understand the consequences of their actions. Most three year old children are strong enough to pull the trigger of a handgun.

STATES AND CITIES WITH CAP LAWS

- * In 1989, Florida became the first state to pass a CAP law. To date, 17 states and many cities - including Wichita and Salina - have enacted similar laws.
- * CAP laws only affect the unsupervised storage of loaded guns. They do not prevent children from lawfully using or possessing guns while under adult supervision (i.e., hunting or target shooting).

SAFE STORAGE

- * CAP laws require that guns be safety secured - this can be done by storing the gun in a locked box, or by attaching a gun lock, both of which are commonly available at gun stores.
- * Gun locks can preserve quick access (some gun locks take only seconds to unlock) by the owner for self-protection while preventing young children from firing the locked gun. Gun locks are relatively inexpensive, are easy to use, and can save lives. A discount gun lock program is available through the National SAFE KIDS Campaign.

CAP LAW IMPACT

- * In twelve states with CAP laws from 1990 through 1994, unintentional firearm-related deaths among children 14 and under were reduced by 23% . (JAMA 1997)
- * During the first year of enactment of the Florida CAP law, unintentional firearm-related fatalities among children age 14 and under declined by more than 50 percent.
- * In some states, gun dealers are required to provide purchasers with a written warning about the law and to place a warning sign at the counter. In this way, people are made aware of the problem, the law, and the solution before even buying a gun. CAP laws raise public awareness of the problem, and provide a reasonable solution.

OWNING A FIREARM IS A BIG RESPONSIBILITY, ESPECIALLY WHEN CHILDREN ARE AROUND.





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 Brain Injury Association of
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Kansas SAFE KIDS Coalition Member Organizations

- AAA Kansas
- American Academy of Pediatrics
- American Red Cross - Wichita
- Attorney General of Kansas
- Barber County SAFE KIDS Chapter
- Board of Emergency Medical Services
- Children's Mercy Hospital
- Clay County SAFE KIDS Chapter
- Dillon Stores
- Fire Education Association of Kansas
- Fire Marshal's Association of Kansas
- Ford County SAFE KIDS Chapter
- Head Injury Association of Kansas
- Hutchinson SAFE KIDS Chapter
- Johnson County SAFE KIDS Coalition
- Kansas Association of Counties
- Kansas Academy of Family Practice
Physicians
- Kansas Assoc. of Local Health Dept.
- Kansas Assoc. of Osteopathic Medicine
- Kansas Association of School Boards
- Kansas Chap. Int'l Assoc. Arson
Investigators
- Kansas Chiropractic Association
- Kansas Congress of Parents and Teachers
- Kansas Cooperative Extension 4-H
- Kansas Dental Association
- Kansas Department of Health &
Environment
- Kansas Department of Human Resources
- Kansas Department of Transportation
- Kansas District of Kiwanis International
- Kansas Emergency Medical Tech. Assoc.
- Kansas Emergency Nurses Association
- Kansas Farm Bureau
- Kansas Healthy Start Home Visitors
- Kansas Highway Patrol
- Kansas Hospital Association
- Kansas Insurance Department
- Kansas MADD
- Kansas Medical Society
- Kansas Professional Fire Chief Assoc.
- Kansas Public Health Association
- Kansas Recreation & Park Association
- Kansas Rehabilitation Hospital
- Kansas SADD
- Kansas Safety Belt Education Office
- Kansas School Nurses Organization
- Kansas State Association of Fire Chiefs
- Kansas State Board of Education
- Kansas State Fire Marshal
- Kansas State Nurses Association
- Kansas Trial Lawyers Association
- Kaw Valley Girl Scout Council
- KNEA
- KUMC Burn Center
- KUMC Child Development Unit
- Lawrence SAFE KIDS Coalition
- Leavenworth SAFE KIDS Chapter
- Manhattan SAFE KIDS Chapter
- NHTSA Regional Office
- Office of the Governor
- Osage County SAFE KIDS
- Pottawatomie County SAFE KIDS
- Safety and Health Council of Western
Missouri & Kansas
- Salina SAFE KIDS Chapter
- Shawnee County SAFE KIDS Coalition
- State Farm Insurance
- Stormont-Vail Regional Medical Center
- United School Administrators of Kansas
- Via Christi - St. Francis Burn Center
- Western Resources
- Wichita Area SAFE KIDS Coalition

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State Affairs

Date 3/21/00

Attachment No. 2

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STATE CHILD DEATH REVIEW BOARD

2nd Floor Memorial Building
120 SW 10th Avenue
Topeka, KS 66612
(785) 296-2215
(785) 296-0652 fax

Nancy Lindberg, Chairperson
Assistant to the Attorney General
Topeka

Herbert Doubek, MD
District Coroner
Belleville

Timothy Henderson, J.D.
Social and Rehabilitation Services
Wichita

Sarah Johnston, MD
Kansas State Board of Education
El Dorado

Mary McDonald, J.D.
Children's Advocate
Wichita

Katherine Melhorn, MD
Pediatrician
Wichita

Erik Mitchell, MD
District Coroner
Topeka

Lorne Phillips, Ph.D.
State Registrar
Topeka

Don Winsor, Special Agent
KBI
Wamego

Testimony
House Bill 3016
House Federal and State Affairs
March 21, 2000

The State Child Death Review Board strongly supports House Bill 3016. We have attached relevant statistics and examples from our preliminary analysis of 1997 information.

State Child Death Review Board records show that a total of 30 Kansas children died from use of firearms in 1997. Included in the total number are two deaths caused by unintentional firearm usage. In both cases, the children involved were unsupervised. One incident was due to a self-inflicted wound to a child playing with a gun in the presence of his younger brother. Also, nine children took their lives using a firearm.

The American Academy of Child & Adolescent Psychiatry indicates that every day 10 American children, ages 18 and under, are killed in handgun suicides, homicides, and accidents. If parents feel they must have guns in the home, there will always be some dangers. Of crucial importance to lessen the peril to children, all firearms and ammunition should be stored separately, unloaded, and locked in a secure place. The Board believes that trigger locks go a long way to protect children against gun violence.

Examples from 1997:

Guns should be unloaded, locked, and out of reach of children. A mother asked her 17 year-old son and his 13 year-old brother to remove an item from the family vehicle. The younger brother was moving a rifle from the back seat in order to get to the item needed by his mother when it discharged, killing the 17 year-old. Manner of death: unintentional injury - firearm. This death was preventable.

Children know where the guns are! A 16-year-old female wrote a suicide note after being grounded by her father for staying out all night. Later that evening, she was found by her father lying on the bed unresponsive due to a self-inflicted gunshot wound from a revolver. When law enforcement officers questioned the father, he stated there were several guns in the house kept in a locked cabinet. However, the revolver was kept in the parents' bedroom underneath the bed with a box of shells next to it. The father did not believe his children knew where the gun was kept. Manner of death: suicide. This death was preventable.

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STATE OF KANSAS



STATE CHILD DEATH REVIEW BOARD

Annual Report
March, 1999

Carla J. Stovall
Attorney General

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OFFICE OF THE ATTORNEY GENERAL

Unintentional Injuries

D. Firearm Deaths

In 1996, there were a total of 28 firearm deaths, unintentional and intentional. Two of the deaths were from unintentional firearm injuries. Each of the unintentional incidents involved male teenagers, one 16 and one 17-year-old, playing with guns. One incident was the result of four unsupervised children using alcohol and drugs and having access to a handgun. The other death was due to a self-inflicted gunshot wound where the child found and accessed guns in a closet at home. Each death was ruled accidental because each child was playing with a gun.

The remaining firearm deaths were as follows: 17 homicides, eight suicides and one undetermined cause of death. Twenty-four males and four females were killed by firearms. Each of these statistics will be discussed further under the appropriate categories.

Unintentional firearm deaths decreased from previous years. Three children were victims of unintentional firearm deaths in 1994, five were victims in 1995, and that number decreased to two unintentional firearm deaths in 1996.

Keep guns out of reach of children! A 13-year-old was alone in an upstairs bedroom when a gun was discharged. His younger brother and mother found him lying on the floor with an apparent gunshot wound to the head. It is unknown whether this child knew the gun was partially loaded or if he realized the risk of putting the gun to his head. Manner of death: unintentional injury - gunshot wound. This was a preventable death.

If firearms are going to be kept in the home, the weapon and its ammunition must be locked away separately to protect children.

Unintentional Injuries

E. Other Unintentional Injuries

The other unintentional injuries include the use of chemicals/drugs, falls, crush or blunt trauma injuries and electrocution. A three-and-one-half-year-old male died after ingesting over-the-counter medication that was accessible at home. A 14-year-old male died from massive head injuries caused by a large piece of farm machinery.

Four children, ages seven-months to 15-years, received massive head trauma from falls and died. One child suffered a fall when a parent slipped on stairs and lost his hold of the child, one fell while horseback riding with no protective head gear, one fell into a commercial grain bin and one fell while standing on a chair attempting to dunk a basketball.

Three children died by unintentional electrocution. One incident claimed the lives of a 16-year-old male and a 16-year-old female when they were outside during heavy storm weather and were struck by lightning. The third child was a 10-year-old male who, while in the bathtub, was able to reach a hair-dryer that was plugged in.

The Board believes most of these incidents could have been prevented if appropriate safety precautions or adult supervision had existed.

Keep all medications out of reach of children! Lack of supervision. A three-and-one-half-year-old boy ingested his mother's over-the-counter medication when he was inadequately supervised. The medication was not locked up. He died 24 hours later. Manner of death: unintentional injury. This was a preventable death.

DONALD E. BIGGS
 SENATOR, 3RD DISTRICT
 LEAVENWORTH & JEFFERSON COUNTIES



TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS
 RANKING MINORITY MEMBER:
 ENERGY AND NATURAL RESOURCES
 MEMBER:
 AGRICULTURE
 ARTS AND CULTURAL RESOURCES
 FEDERAL AND STATE AFFAIRS
 FINANCIAL INSTITUTIONS AND
 INSURANCE

LEGISLATIVE HOTLINE
 1-800-432-3924
 (DURING SESSION)

March 21, 2000

TESTIMONY FOR HOUSE FEDERAL & STATE AFFAIRS COMMITTEE
 BY SENATOR DON BIGGS ON SB278

Thanks for scheduling this hearing on SB278 which passed the Senate on 3-30-99, with a 36 to 4 vote. The bill is a modest effort to address the issue of free sample distribution of cigarettes and tobacco products. This is still legal in Kansas, though my first choice was to prohibit such distribution.

SB278 does not prohibit, but it does require a distributor of free samples to notify the Kansas Director of Taxation 14 days in advance of distribution. The notice requirement is only applicable to events open to the public at which at least 1000 people are expected to attend. The notice would not be required if sample distribution occurs at a privately owned business, building, or facility.

The volume of free tobacco sampling is significant. The Kansas Department of Revenue reports that 533,560 cigarette samples were distributed in 1997, based on taxes paid. This bill would send a message about such activity, and the notice requirement would alert enforcement staff to be on site as available to help assure no distribution to under age. Tighter regulation and enforcement on retail tobacco sales has increased the compliance rate on sales to minors from 37% in 1996 to 71% in 1999.

We have a problem with teen use of tobacco in Kansas. A KDHE report in November, 1999, showed that more than 20% of the state's middle schoolers (6th thru 8th) use tobacco products regularly. Another survey reveals that 37% of Kansas 12th graders have smoked in the past month. Smokeless tobacco use by Kansas 12th graders was 6.2% higher than the national average in 1997.

Please note the attached letter from Tenille Poling of Colby which gives a youth perspective on free tobacco sampling. Thanks for your favorable consideration of SB278.

Donald E. Biggs, State Senator, Third District



COMMUNITY AWARENESS TEAM

c/o Regional Prevention Center
of Northwest Kansas
990 South Range, Suite 7
Colby, Kansas 67701

(785) 462-8152

TO: Members of the Kansas Senate
FROM: Tenille Poling
RE: SB 606
DATE: March 9, 1998

My name is Tenille Poling and I am a student at Colby High School. I have been involved in clubs, varsity sports, and this fall I was inducted into National Honor Society. I am also the vice-president of the junior class. In 1996 I was crowned Thomas County Rodeo Princess. As a member of my Community Awareness Team (CAT), I would like to thank you for allowing me to come and voice my opinions and support of senate bill 606.

Two years ago, at the Thomas County Fair, free samples of tobacco were going to be given away as part of the entertainment contract. Members of our Community Awareness Team felt that this would be an inappropriate message to be sent to the young fair participants. We petitioned the fair board and convinced them to renegotiate their contract. If the proposed bill is passed, community groups like ours wouldn't have to worry about these situations.

One reason we first opposed free samples being given away was that there is a high availability to kids whether these actions are strictly controlled or not. Almost all new tobacco users are children. Tobacco companies know this, and giving away free samples is an easy way to gain new addicts. A man I know was first hooked on chewing tobacco from a free sample that was given to him at a rodeo. Four years later he was fighting his addiction. These free samples can also be used as ploys to gain names for mailing lists that give away free merchandise and coupons.

Not all free samples will get into the hands of children, but somehow a few will find their way there. It is the responsibility of all of us to try and give these kids a better fighting chance. This would be a major step towards the effort of keeping kids and all Kansans from becoming addicted to one of the most addictive drugs there is--tobacco.

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Tobacco *Free* Kansas Coalition, Inc.

TOBACCO FACTS

In reference to SB 278

In Kansas, compliance checks for 1999 conducted by the Kansas Department of Revenue show that tobacco retailers have a **29% rate of illegal tobacco sales to minors**. Although the 29% non-compliance rate is at an all time low, a minor in Kansas still has almost a **one-in-three chance of being able to purchase tobacco products over the counter from tobacco retailers**.

In Kansas, the 1999 Youth Tobacco Survey shows **10.8% of 6th, 7th, and 8th grade boys in Kansas report having used smokeless tobacco in the past 30 days**.

In Kansas, the 1999 Communities that Care Survey shows that **19.5% of 10th grade males** have used smokeless tobacco in the past 30 days, and that **25.7% of 12th grade males** have used spit tobacco in the past 30 days.

In Kansas, the prevalence of cigarette smoking increases with increasing grade level. The percentage of 8th grade students who smoke cigarettes is almost twice that of 6th graders. (**6th graders who say they have smoked in the last 30 days - 11.4%; 8th graders who say they have smoked in the last 30 days - 21.4%** according to the 1999 Youth Tobacco Survey)

In the 1999 Kansas Communities that Care Survey, **36.6% of 12 graders report smoking in the last 30 days and 31.1% of 10th graders--both figures are higher than national norms**.

In 1997, according to the biennial Federal Trade Commission Report to Congress smokeless tobacco product advertising and promotional expenditures **rose 18% to a record high of \$150.4 million dollars**, with sampling expenses set at \$ 11,155,411 for that year.

Smokeless tobacco contains nitrosamines, **proven carcinogens--**as well as 30 metals and a radioactive compound called polonium-210.

Tobacco advertising and promotions in Kansas - \$50 million per year.

TOBACCO FREE KANSAS COALITION INCORPORATED

Judy Keller, B.A., M.B.A.

Renee Kelley

Maxine Burch

House Fed. & State Affairs

Date 3/21/00

Attachment No. 5

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EXECUTIVE DIRECTOR

DEPUTY EXECUTIVE DIRECTOR

CORPORATE SECRETARY

MEMBER AT LARGE

MEMBER AT LARGE

MEMBER AT LARGE

ASSOCIATE MEMBER

ASSOCIATE MEMBER

ASSOCIATE MEMBER



1208 SW Tyler
Topeka, Kansas 66612-1735
785.233.8638 * FAX 785.233.5222
www.nursingworld.org/snas/ks
the Voice of Nursing in Kansas

Emma Doherty, M.A., R.N.
President

Terri Roberts, J.D., R.N.
Executive Director
For More Information Contact:
Terri Roberts J.D., R.N.
785.233.8638

March 21, 2000

S.B. 278 Testimony Two Weeks Notice Prior To Distribution of Tobacco Product Samples

Representative Powell and members of the House Federal and State Affairs Committee, my name is Terri Roberts, and I am the Executive Director of the KANSAS STATE NURSES ASSOCIATION. KSNA is an active participant in the Tobacco Free Kansas Coalition which supports S.B. 278.

This bill would make it a requirement that the distributors of sample tobacco products (cigarettes and smokeless) give the Director of Taxation (*Ks. Department of Revenue*) two weeks notice about the public events they intend to provide free samples. During the 1998 legislative session there was a bill introduced (S.B. 606) to ban the sampling of tobacco products in Kansas, and in researching this issue, it included requests for information regarding enforcement of sampling distribution---to ensure that minors did not have access to these free products at public events. I had received information from several youth groups that smokeless tobacco, in particular, was available to youth at rodeo events. We were not able to get documentation regarding the number of public events where tobacco products were distributed or their locations. What we found was that the Department of Revenue division responsible for enforcement for sales (or other distribution to minors) has no way of knowing where or when the public events are going to be held, where sampling will occur. The bill will provide the Department of Revenue with the information, in a timely fashion, that will permit surveillance for compliance with the sampling statutes regarding children below 18 years of age and possession of tobacco products. The Senate Committee limited the parameters for required reporting by adding two amendments to *limit the events to those with 1000 or more people expected and privately-owned businesses, buildings or facilities from the bill's provisions.* These two parameters seem unnecessary when we are addressing compliance issues, and they certainly will reduce the uniformity of enforcement that the bill hopes to achieve. However, in its current form the bill appears simple for the industry to comply with, and it provides for efficiency in enforcement activities.

We respectfully request that consideration for S.B. 278 be given and the bill recommended favorably for passage by this committee.

THANK YOU

House Fed. &
State Affairs

Date 3/21/00

Attachment No. 6

Page 1 of 1

The mission of the Kansas State Nurses Association is to promote professional nursing, to provide a standard of nursing in Kansas and to advocate for the health and well-being of all people.

Constituent of The American Nurses Association

MARK S. GILSTRAP
 SENATOR, FIFTH DISTRICT
 LEAVENWORTH AND WYANDOTTE COUNTIES
 1813 N 79TH TERR.
 KANSAS CITY, KANSAS 66112
 1-800-432-3924
 (LEGISLATIVE HOTLINE DURING SESSION)



TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS
 RANKING MINORITY MEMBER:
 TRANSPORTATION AND TOURISM
 MEMBER: JUDICIARY
 WAYS AND MEANS
 JOINT COMMITTEE ON
 GAMING COMPACTS
 SPECIAL CLAIMS AGAINST
 THE STATE

21 March 2000

Madam Chair, Members of the Federal and State Committee:

Thank you for giving me an opportunity to speak on Senate Bill 430.

I come before you on behalf of a constituent of mine -- an entrepreneur, a business man, Mr. John Novak.

Mr. Novak lives in Fairmont Township in Leavenworth County, just a stone's throw from Basehor city.

The Kansas International Speedway, now under construction, is located just 7 miles east of Mr. Novak's property and he understands the future business prospects that the Speedway will bring.

He would like to have a liquor store on his property but current statute will not allow this unless his township has a population of 11,000 or more.

Originally we wanted to reduce the population requirement in SB 430 from 11,000 to 2,000, but after visiting with the revisor we decided to leave the population stipulation as it is and instead include new language which would allow Fairmont Township, with the county commissioners' approval, to have a liquor store.

House Fed. &
 State Affairs
 Date 3/21/00
 Attachment No. 7
 Page 1 of 3

**Townships With Over 2,000 Population
1998 Estimate of Population**

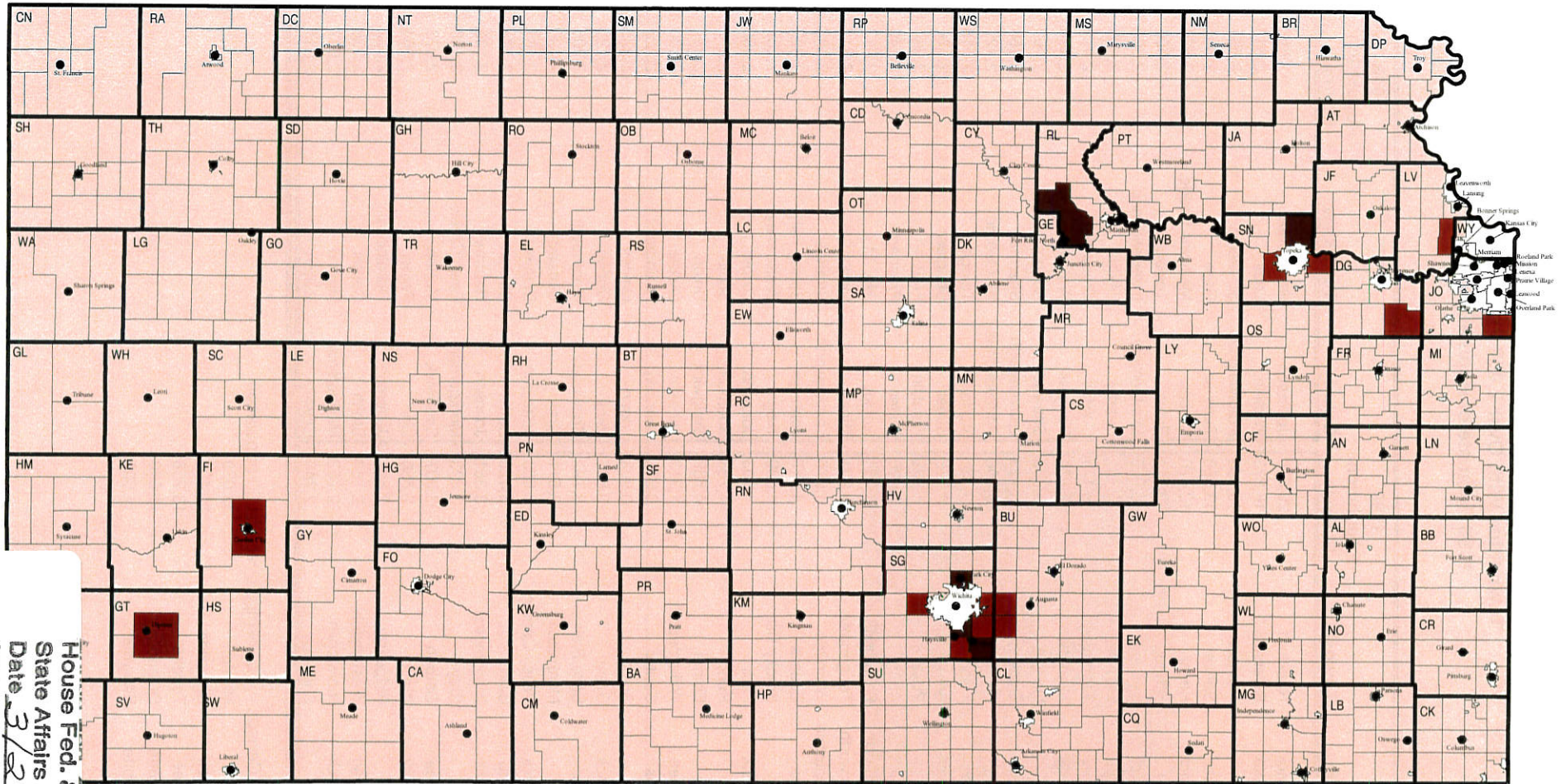
1998			1998		
County	Township	Population Estimate	County	Township	Population Estimate
Sedgwick	Rockford	20,860	Jefferson	Rock Creek	2,698
Sedgwick	Riverside *	16,873	Wichita	Leoti	2,643
Riley	Madison	13,306	Pottawatomie	St. Marys	2,581
Shawnee	Soldier	13,069	Sumner	Gore	2,551
Sedgwick	Kechi	12,470	Barber	Medicine Lodge	2,520
Butler	Bruno	9,611	Butler	Towanda	2,506
Sedgwick	Salem	8,945	Montgomery	Independence	2,500
Shawnee	Mission	8,351	Kearny	Lakin	2,499
Shawnee	Tecumseh	8,171	Cowley	Creswell	2,477
Sedgwick	Minneha	7,774	Douglas	Wakarusa	2,476
Grant	Lincoln	6,968	Shawnee	Auburn	2,460
Sedgwick	Gypsum	6,469	Leavenworth	Sherman	2,459
Finney	Garden City	6,006	Pottawatomie	St. George	2,427
Douglas	Palmyra	5,481	Morton	Taloga	2,415
Sedgwick	Attica	5,352	Butler	Douglass	2,376
Butler	Pleasant	5,267	Franklin	Franklin	2,364
Johnson	Aubry	5,096	Butler	Prospect	2,349
Leavenworth	Fairmount	5,081	Rooks	No. 11	2,312
Leavenworth	Tonganoxie	4,991	Miami	Marysville	2,311
Pottawatomie	Wamego	4,976	Leavenworth	Stranger	2,303
Douglas	Eudora	4,917	Johnson	Spring Hill	2,302
Geary	Smoky Hill	4,889	Trego	WaKeeney	2,287
Sedgwick	Park	4,793	Johnson	Oxford	2,285
Reno	Reno	4,768	Bourbon	Scott	2,277
Harvey	Emma	4,539	Sedgwick	Union	2,257
Shawnee	Williamsport	4,313	Johnson	Olathe	2,238
Stevens	Center	3,975	Johnson	Lexington	2,226
Scott	Scott	3,903	Logan	Oakley	2,225
Sedgwick	Grant	3,805	Riley	Ogden	2,223
Sumner	Belle Plaine	3,792	Shawnee	Monmouth	2,205
Riley	Manhattan	3,511	Gray	Cimarron	2,196
Sedgwick	Valley Center	3,503	Jefferson	Delaware	2,181
Crawford	Baker	3,425	Butler	Benton	2,174
Crawford	Washington	3,361	Johnson	Gardner	2,139
Reno	Clay	3,093	Montgomery	Fawn Creek	2,100
Crerokee	Garden	3,007	Sedgwick	Morton	2,073
Sedgwick	Waco	2,880	Linn	Potosi	2,064
Osage	Ridgeway	2,844	Jefferson	Oskaloosa	2,052
Doniphan	Washington	2,754	Smith	Center	2,036
Sedgwick	Ninnescah	2,752	McPherson	Mound	2,012
Finney	Sherlock	2,740	Cowley	Bolton	2,011

*1950 Census – Townships over 11,000 population

Johnson	Mission	33,020
Sedgwick	Riverside	15,402
Shawnee	Topeka	13,258
Wyandotte	Quindaro	11,050
Wyandotte	Shawnee	11,001

Source: U.S. Bureau of the Census

Kansas Townships, Counties and Selected Cities



Townships by 1998 Population Estimate

- 11,001 to 20,900 (5)
- 5,000 to 11,000 (13)
- 1 to 5,000 (139)

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Source: U.S. Census Bureau 1998 Estimate of Population

STATE OF KANSAS

MARGARET E. LONG
REPRESENTATIVE, THIRTY EIGHTH DISTRICT
WYANDOTTE COUNTY
1801 N 126TH ST
KANSAS CITY, KANSAS 66109
(913) 721-2322



TOPEKA
—
HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
MEMBER: GOVERNMENTAL ORGANIZATIONS
& ELECTIONS
LOCAL GOVERNMENT
TRANSPORTATION
UTILITIES
HOTLINE NUMBER 1-800-432-3924
SPEECH/HEARING IMPAIRED (913) 296-8430

March 21, 2000

Chair, Members of the Federal and State Committee:

Thank you for giving me an opportunity to speak in support of Senate Bill 430.

I come before you on behalf of a constituent of mine—Mr. John Novak. Mr. Novak lives in Fairmont Township in Leavenworth County, just a stone's throw from Basehor City.

He would like to have a liquor store on his property but current statute will not allow this unless his township has a population of 11,000 or more.

Originally he wanted to reduce the population requirement in SB430 from 11,000 to 2,000, but after visiting with the revisor we decided to leave the population stipulation as it is and instead include new language which would allow Fairmont Township, with the county commissioners' approval, to have a liquor store.

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State Affairs
Date 3/21/00
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Page 1 of 1

Crown Liquor
5506 Leavenworth Rd
Kansas City, KS 66104
Ph 913-287-6070

January 25, 2000

Committee:

I have owned 10 acres at 15944 State Ave. (U.S. 24-40) Basehor, Kansas - Leavenworth county - Fairmount Township, since 1980. In 1998, the highway was widened to 4 four lanes. We are 1,000 feet west of Basehor city limits (a 3rd class city), and no chance of being annexed for the next ten (10) years.

By the State Law, a 3rd class city (500 population +) could have 30 liquor stores, but a township of 5000 population cannot have (1).

By Law 43-103 and 43-303, a township has to have a population of 11,000. This Law was written in 1949 - this is the year 2000. Things have changed since 1949. Communication is better - the policing is better, we also have better alarms.

I own a liquor store in Kansas City, Kansas which is 20 miles from my home and very costly for transportation. My 10 acres is also located 7 miles west of the new NASCAR RACE TRACK. Fairmount Township has a population of approximately 2700. Also, the Leavenworth County Comprehensive Plan has my property listed as commercial zoning.

I am asking this committee to allow the Kansas State Liquor Board for permission to issue a liquor license for this address - 15944 State Avenue - Fairmount Township - Basehor, Kansas 66007.

John F. Novak

John F. Novak

Crown Liquor
5506 Leavenworth Rd
Kansas City, KS 66104
Ph 913-287-6070

House Fed. &
State Affairs
Date 3/21/00
Attachment No. 9
Page 1 of 3

Dear

My name is John F. Novak. My address is 15944 State Ave. Basehor, Kansas 66007. I am the owner of Crown Liquor Store located at 5506 Leavenworth Rd. Kansas City, Kansas 66104.

At my Basehor address is 10 acres, more or less with a 353.4 frontage on State and is located next door to the Holy Field Winery. My ground is not in the city of Basehor, but is 1,000 feet west of the city limits of Basehor. We are in the Fairmount Township of Leavenworth County and we are listed in both the Leavenworth County and Basehor City Comprehensive plans as commercial. We are about 7 miles west of the Nascar Race Track.

In Kansas, you have three classes of cities - First, Second and Third. The way I read this statue is that a 3rd class city of possibly 500 people can have thirty (30) or forty (40) liquor stores, but a township cannot have a store until they reach 11,000 in population. This makes no sense to me. I am asking the state to drop the population section 41-103-C and 41-303.

According to the ABC Liquor Director, Mr. Conant, I am not able to get a liquor license because of the state statue 41-103-C and 41-303 regarding the township population. This statue was passed in 1949 and has now become outdated.

I am asking the Senators and Representatives to update this statue so that not only I, but others may be able to build a building, hire employees, pay taxes and obtain a liquor license in Leavenworth County.

Sincerely,

John F. Novak

House Fed. &
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Date 3/21/00
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COUNTY OF LEAVENWORTH

COURTHOUSE
300 WALNUT
LEAVENWORTH, KANSAS 66048
Area Code (913) 684-0400



FROM THE OFFICE OF:

**WAYNE ELDRIDGE
THIRD DISTRICT COMMISSIONER
LEAVENWORTH COUNTY, KANSAS**

January 20, 2000

John Novak
15944 State Avenue
Basehor, KS 66007

Re: Amendment/Repeal of K.S.A. 41-103; K.S.A. 41-303

Dear Mr. Novak:

I am writing to you to request your support in efforts to either repeal or amend provisions of K.S.A. 41-103 and K.S.A. 41-303 which prohibit the operation of a liquor store in unincorporated areas of the County, specifically in townships with less than 11,000 in population (see K.S.A. 41-303). While this prohibition may have had at some time a rational basis it now serves only to hinder economic activity in the unincorporated area of Leavenworth County, Kansas. I am personally aware of at least one business man who would setup such an enterprise if State law were to allow it.

Should you have any questions on this topic please feel free to contact me at your early convenience and your support in either repealing or amending these provisions is appreciated.

Sincerely,

Wayne Eldridge
Third District Commissioner

rw

City-County Probation
684-0760

Council on Aging
684-0777

Emergency Medical Service
684-0788

Community Corrections
684-0775

County Infirmary
684-1010

Health Department
684-0730

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Page 3 of 3

Thank you for allowing us to speak in support of Senate Bill 430. My name is Pat Gaunce and I am President of the Kansas City, Kansas Community College Endowment Association and my colleague who is with me today is Jerry Toney, Director of Development for the college.

Our Endowment Association sponsors two major events on campus each year which are of benefit to our general scholarship fund. The summer event is a outdoor concert which attracts to our campus, a large number of visitors from throughout the metropolitan area as well as students and local supporters. The past two years we have contracted with internationally recognized jazz performers such as Loretta Holloway and Bobby Wells to perform and live coverage is offered by local radio stations who emcee the presentation. We have also featured, in the Student Union, a showing of works created by metropolitan area artists who have also been recognized across the nation for the exceptional quality of their work. Prior to the concert, the college trustees have sponsored an invitation-only reception, also on campus, to recognize these artists and would love to have been able to offer wine as part of the reception menu.

Our fall event for the past four years has been the Mid-America Education Hall of Fame. This is the first event of its kind and it is chaired annually for us by Channel 4 news anchor Phil Witt. The Hall of Fame was established to identify and recognize individuals, organizations, and corporate supporters notable for their contributions to education. We invite nominations from across Kansas and surrounding states. Each year we honor 5 individuals and an organization which have included notable honorees such as Dr. Edward Hammond, Ft. Hays State; Dr. Martha Hale, Emporia State; Buck O'Neill, Negro Baseball Hall of Fame; Dr. Sheila Drake, Kansas Wesleyan; as well as organizations such as the Kauffman Foundation, the Bayer Corporation, and KCPT. Prior to the dinner and awards ceremony, we host a reception for the honorees, their guests, and our corporate sponsors. We hold these events in our Paul Jewell Student Union which enables us to also market our campus to the individuals attending the ceremonies.

In each case, we feel it would have enhanced the presentation of our evenings' events if we had been able to offer a wine selection or champagne punch to our guests at the receptions and with the gourmet dinner. We in no way advocate the sales of alcoholic beverages on a general basis on community college campuses but would appreciate the opportunity to have such beverages available for special events that are approved by the college administration.

Thank you for your consideration in approving Senate Bill 430.

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State Affairs
Date 3/2/00
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Page 1 of 1



2620 N. 155th St.,
P.O. Box 406
Basehor, Kansas 66007-0406

(913) 724-1370
(913) 724-1371
FAX (913) 724-2568

The City of Basehor

3-20 -00

Representative Ray Cox
State Capitol, Room 431-N
Topeka, KS. 66625

Representative Cox;

RAY

It has come to the attention of the Basehor City Council that Senate Bill # 430 is scheduled for hearing in the house committee. This bill would allow the establishment of liquor stores in the unincorporated portion of a county, in a township of more than 5000. As you know, this legislation was requested by Basehor area resident, and former city councilmember, John Novak. We understand that a member of the Basehor Chamber of Commerce has spoken to you and may have left you with the impression that the Basehor City Government is opposed to this legislation. On behalf of the Basehor City Council, I have been asked to write to you and explain that the governing body of Basehor is not opposed to this legislation. The area that Mr. Novak has discussed locating a liquor store is currently outside the city limit, but within the Basehor planning area. The city's comprehensive plan indicates that the area should develop as a commercial area. Whether development should be approved in this area now is a local zoning matter and does not require state legislation; however, our plan does not differentiate between retail liquor stores and retail shoe stores. We are indifferent to the question of whether retail liquor stores should be permitted in unincorporated areas.

I hope this makes clear our position on this legislation. If you have any questions, or need additional information, you may contact me through the city hall.

Sincerely

John Pfannenstiel
John Pfannenstiel
Mayor

CC: Senator Mark Gilstrap
Representative Kenny Wilk
John Novak

House Fed. &
State Affairs

Date 3/21/00

Attachment No. 11

Page 1 of 1

K · A · N · S · A · S
WINE & SPIRITS
WHOLESALE ASSOCIATION, INC.

TO: HOUSE COMMITTEE ON
FEDERAL AND STATE AFFAIRS
FROM: R.E. "TUCK" DUNCAN *RE:TD*
KANSAS WINE & SPIRITS
WHOLESALE ASSOCIATION
RE: PROPOSED AMENDMENT TO SB 430

I RESPECTFULLY REQUEST YOUR FAVORABLE
CONSIDERATION OF AN AMENDMENT TO SB 430
REGARDING ELIGIBILITY FOR A WHOLESALE LICENSE
PURSUANT TO KSA 41-311.

BACKGROUND

LAST YEAR A CHALLENGE TO THE KANSAS
RESIDENCY LAW FOR ELIGIBILITY TO HOLD A
WHOLESALE LICENCE WAS FILED IN THE UNITED
STATES DISTRICT COURT. THAT CASE IS NOW PENDING.
THIS ASSOCIATION IS NOT A PARTY TO THAT LITIGATION.
THE STATE IS THE DEFENDANT. THE LAWSUIT
CONTENDS THAT THE 10 YEAR RESIDENCY
REQUIREMENT FOR A SPIRITS WHOLESALER AND 1 YEAR
RESIDENCY REQUIREMENT FOR OTHER WHOLESALE
LICENSES VIOLATES THE COMMERCE CLAUSE OF THE
CONSTITUTION OF THE UNITED STATES WHEREIN
"CONGRESS SHALL HAVE POWER...TO REGULATE
COMMERCE...AMONG THE SEVERAL STATES." THE
LITIGATION ALSO RAISES A CLAIM THAT THE KANSAS
LAW VIOLATES THE PRIVILEGES AND IMMUNITIES
CLAUSE OF THE U.S CONSTITUTION.

IN AN EFFORT TO AVOID PROTRACTED, EXPENSIVE

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LITIGATION, VARIOUS INDUSTRY MEMBERS MET TO DEVELOP A SOLUTION TO THE LITIGATION. THIS EFFORT WAS UNDERTAKEN (I) BECAUSE SOME OF US BELIEVE THAT BASED ON OTHER LITIGATION ELSEWHERE THEIR IS A PROBABILITY OF SUCCESS BY THE PLAINTIFFS AND (II) BECAUSE IT WOULD BE BETTER TO FIND A STATUTORY SOLUTION AGREEABLE TO THE REGULATORY AGENCY.

PROPOSAL

ATTACHED HERETO IS A PROPOSED AMENDMENT TO KSA 41-311. IT REDUCES ALL BEVERAGE ALCOHOL WHOLESALE LICENSE RESIDENCY TO 1 YEAR (AS IT IS CURRENTLY FOR BEER WHOLESALERS). IT FURTHER PROVIDES CRITERIA IN WHICH A NON-RESIDENT APPLICANT CAN HOLD A LICENSE. THESE PROVISIONS, FOUND ON THE LAST PAGE, RQUIRE SUBMISSION OF FINGERPRINTS IN ORDER TO HAVE CONDUCTED KBI AND FBI BACKGROUND CHECKS, PAID FOR BY THE APPLICANT. A RESIDENT AGENT MUST BE APPOINTED WHO ALSO MEETS BASIC QUALIFICATIONS AND A STATEMENT OF SUBSTANTIAL BEVERAGE ALCOHOL INTERESTS MUST BE PROVIDED.

THIS PROPOSAL ESTABLISHES A MECHANISM NOT NOW IN THE LAW TO ALLOW THE ALCOHOLIC BEVERAGE CONTROL TO ASCERTAIN THAT AN OUT-OF-STATE APPLICANT MEETS ALL THE QUALIFICATIONS REQUIRED OF RESIDENT APPLICANTS. IT IS OUR UNDERSTANDING THAT PASSAGE OF THIS AMENDMENT WILL RESOLVE THE PENDING LITIGATION. WE ALSO UNDERSTAND THAT THE A.B.C. FINDS THIS SOLUTION ACCEPTABLE.

THANK YOU FOR YOUR ATTENTION TO AND CONSIDERATION OF THIS MATTER.

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K.S.A. § 41-311

KANSAS STATUTES
CHAPTER 41.--INTOXICATING LIQUORS AND BEVERAGES
ARTICLE 3.--LICENSING AND RELATED PROVISIONS;

41-311. Qualifications for licensure.

(a) No license of any kind shall be issued pursuant to the liquor control act to a person:

(1) Who has not been a citizen of the United States for at least 10 years, except that the spouse of a deceased retail licensee may receive and renew a retail license notwithstanding the provisions of this subsection (a)(1) if such spouse is otherwise qualified to hold a retail license and is a United States citizen or becomes a United States citizen within one year after the deceased licensee's death;

(2) who has been convicted of a felony under the laws of this state, any other state or the United States;

(3) who has had a license revoked for cause under the provisions of this act or who has had any license issued under the cereal malt beverage laws of any state revoked for cause except that a license may be issued to a person whose license was revoked for the conviction of a misdemeanor at any time after the lapse of 10 years following the date of the revocation;

(4) who has been convicted of being the keeper or is keeping a house of prostitution or has forfeited bond to appear in court to answer charges of being a keeper of a house of prostitution;

(5) who has been convicted of being a proprietor of a gambling house, pandering or any other crime opposed to decency and morality or has forfeited bond to appear in court to answer charges for any of those crimes;

(6) who is not at least 21 years of age;

(7) who, other than as a member of the governing body of a city or county, appoints or supervises any law enforcement officer, who is a law enforcement official or who is an employee of the director;

(8) who intends to carry on the business authorized by the license as agent of another;

(9) who at the time of application for renewal of any license issued under this act would

not be eligible for the license upon a first application, except as provided by subsection (a)(12);

(10) who is the holder of a valid and existing license issued under article 27 of chapter 41 of the Kansas Statutes Annotated unless the person agrees to and does surrender the license to the officer issuing the same upon the issuance to the person of a license under this act, except that a retailer licensed pursuant to K.S.A. 41-2702 and amendments thereto shall be eligible to receive a retailer's license under the Kansas liquor control act;

(11) who does not own the premises for which a license is sought, or does not have a written lease thereon for at least 3/4 of the period for which the license is to be issued; or

(12) whose spouse would be ineligible to receive a license under this act for any reason other than citizenship, residence requirements or age, except that this subsection (a)(12) shall not apply in determining eligibility for a renewal license.

(b) No retailer's license shall be issued to:

(1) A person who is not a resident of this state;

(2) a person who has not been a resident of this state for at least four years immediately preceding the date of application;

(3) a person who has beneficial interest in the manufacture, preparation or wholesaling of alcoholic beverages;

(4) a person who has beneficial interest in any other retail establishment licensed under this act, except that the spouse of a licensee may own and hold a retailer's license for another retail establishment;

(5) a copartnership, unless all of the copartners are qualified to obtain a license;

(6) a corporation; or

(7) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license.

(c) No manufacturer's license shall be issued to:

(1) A corporation, if any officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of the corporation would be ineligible to receive a manufacturer's license for any reason other than citizenship and residence requirements;

(2) a copartnership, unless all of the copartners shall have been residents of this state for at least five years immediately preceding the date of application and unless all the members of the

copartnership would be eligible to receive a manufacturer's license under this act;

(3) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license;

(4) an individual who is not a resident of this state; or

(5) an individual who has not been a resident of this state for at least five years immediately preceding the date of application.

(d) No distributor's license shall be issued to:

(1) A corporation, if any officer, ~~director or stockholder of the~~ or director thereof, or any individual stockholder owning in the aggregate more than 5% of the stock of such corporation would be ineligible to receive a distributor's license for any reason, other than residence requirements. It shall be unlawful for any individual stockholder owning in the aggregate more than 5% of the stock of a corporation licensed as a distributor to transfer any more than 5% of the stock in the corporation to any person who would be ineligible to receive a distributor's license for any reason, other than residence requirements, and any such transfer shall be null and void, except that: (A) If any such individual stockholder owning stock in the corporation dies and an heir or devisee to whom more than 5% of the stock of the corporation descends by descent and distribution or by will is ineligible to receive a distributor's license, the legal representatives of the deceased stockholder's estate and the ineligible heir or devisee shall have 14 months from the date of the death of the stockholder within which to sell the stock to a person eligible to receive a distributor's license, any such sale by a legal representative to be made in accordance with the provisions of the probate code; or (B) if more than 5% of the stock in any such corporation is the ~~subject of~~ owned by any trust and any trustee ~~or individual trustee of such trust is ineligible to receive a distributor's license for any reason other than residence requirements or any individual~~ beneficiary of the such trust who is 21 years of age or older is ineligible to receive a distributor's license for any reason other than age and residence requirements, the trustee, within 14 months after the effective date of the trust, shall sell the stock to a person eligible to receive a distributor's license and hold and disburse the proceeds in accordance with the terms of the trust. If any legal representatives, heirs, devisees or trustees fail, refuse or neglect to sell any stock as required by this subsection, the stock shall revert to and become the property of the corporation, and the corporation shall pay to the legal representatives, heirs, devisees or trustees the book value of the stock. During the period of 14 months prescribed by this subsection, the corporation shall not be denied a distributor's license or have its distributor's license revoked if the corporation meets all of the other requirements necessary to have a distributor's license;

(2) a copartnership, unless all of the copartners are eligible to receive a distributor's license;

(3) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license;

(4) an individual who is not a resident of this state; or

(5) an individual who has not been a resident of this state for at least ~~10~~one years immediately preceding the date of application, except that:

(A) ~~A~~a wholesaler of cereal malt beverages properly licensed on September 1, 1948, shall be eligible for a beer distributor's license; and

~~(B) a person who has been a resident of the state for at least one year immediately preceding the date of application shall be eligible for a beer distributor's license.~~

(e) No nonbeverage user's license shall be issued to a corporation, if any officer, manager or director of the corporation or any stockholder owning in the aggregate more than 25% of the stock of the corporation would be ineligible to receive a nonbeverage user's license for any reason other than citizenship and residence requirements.

(f) No microbrewery license or farm winery license shall be issued to a:

(1) Person who is not a resident of this state;

(2) person who has not been a resident of this state for at least four years immediately preceding the date of application;

(3) person who has beneficial interest in the manufacture, preparation or wholesaling of alcoholic beverages other than that produced by such brewery or winery;

(4) person, copartnership or association which has beneficial interest in any retailer licensed under this act or under K.S.A. 41-2702 and amendments thereto;

(5) copartnership, unless all of the copartners are qualified to obtain a license;

(6) corporation, unless stockholders owning in the aggregate 50% or more of the stock of the corporation would be eligible to receive such license and all other stockholders would be eligible to receive such license except for reason of citizenship or residency; or

(7) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license.

(g) The provisions of subsections (b)(1), (b)(2), (c)(3), (c)(4), (d)(3), (d)(4), (f)(1) and (f)(2) shall not apply in determining eligibility for the 10th, or a subsequent, consecutive renewal of a license if the applicant has appointed a citizen of the United States who is a resident of Kansas as the applicant's agent and filed with the director a duly authenticated copy of a duly executed power of attorney, authorizing the agent to accept service of process from the director and the courts of this state and to exercise full authority, control and responsibility for the conduct of all business and transactions within the state relative to alcoholic liquor and the business licensed. The agent must be satisfactory to and approved by the director, except that the director shall not approve as an agent any person who:

(1) Has been convicted of a felony under the laws of this state, any other state or the United States;

(2) has had a license issued under the alcoholic liquor or cereal malt beverage laws of this or any other state revoked for cause, except that a person may be appointed as an agent if the person's license was revoked for the conviction of a misdemeanor and 10 years have lapsed since the date of the revocation;

(3) has been convicted of being the keeper or is keeping a house of prostitution or has forfeited bond to appear in court to answer charges of being a keeper of a house of prostitution;

(4) has been convicted of being a proprietor of a gambling house, pandering or any other crime opposed to decency and morality or has forfeited bond to appear in court to answer charges for any of those crimes; or

(5) is less than 21 years of age.

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(h) The provisions of (d)(4) and (d)(5) shall not apply in determining the eligibility for a distributor's license if:

(1) the individual applicant, or the individuals identified in subsections (d)(1), (d)(2) or (d)(3), in the case of an applicant that is a corporation, partnership or trust, submit(s) to a national criminal history record check and provide(s) the director with two legible sets of fingerprints which the director shall submit to the Kansas Bureau of Investigation and to the Federal Bureau of Investigation and receive a reply to enable the director to verify the identity of such applicant or such individual(s) and whether such applicant or such individual(s) have been convicted of any crimes that would disqualify the applicant from holding a distributor's license pursuant to the liquor control act. The director shall require compliance with this subparagraph as a condition precedent to granting the license sought and is authorized to use the information obtained from the national criminal history record check to determine the applicant's eligibility to hold a distributor's license pursuant to the liquor control act. All costs associated with performing these measures shall be borne by the applicant;

(2) the applicant discloses to the director any substantial financial interest the applicant owns in any entity that receives proceeds from the sale of alcoholic beverages; and,

(3) the applicant has appointed a citizen of the United States who is a resident of Kansas as the applicant's agent and filed with the director a duly authenticated copy of a duly executed power of attorney, authorizing the agent to accept service of process from the director and the courts of this state and to exercise full authority, control and responsibility for the conduct of all business and transactions within the state relative to alcoholic liquor and the business licensed. The agent must be satisfactory to and approved by the director, except that the director shall not approve as an agent any person who:

(i) has been convicted of a felony under the laws of this state, any other state or the United States;

(ii) has had a license issued under the alcoholic liquor or cereal malt beverage laws of this or any other state revoked for cause, except that a person may be appointed as an agent if the person's license was revoked for the conviction of a misdemeanor and 10 years have lapsed since the date of the revocation;

(iii) has been convicted of being the keeper or is keeping a house of prostitution or has forfeited bond to appear in court to answer charges of being a keeper of a house of prostitution;

(iv) has been convicted of being a proprietor of a gambling house, pandering or any other crime opposed to decency and morality or has forfeited bond to appear in court to answer charges for any of those crimes; or

(v) is less than 21 years of age.